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E-Filed on 3/13/07

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC, Debtors.

Affects:

- × All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

MOTION FOR ORDER REQUIRING GOOLD PATTERSON ALES & DAY, CHARTERED TO PRODUCE ONE OR MORE CORPORATE REPRESENTATIVES FOR EXAMINATION PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the "Movant") hereby moves this Court for an order requiring Goold Patterson Ales & Day, Chartered ("Goold Patterson") to produce one or more corporate representatives, as set forth in subpoenas issued under Federal Rule of Bankruptcy Procedure 9016, to appear for examination at the law office of Lewis and Roca, LLP, 3993 Howard Hughes

1 Parkway, Suite 600, Las Vegas, Nevada 89169, on a business day no earlier than ten (10)
2 business days after the filing of this Motion and no later than April 30, 2007, or at such
3 other mutually agreeable location, date, and time, and continuing from day to day
4 thereafter until completed.

5 This Motion is further explained in the following Memorandum.

6
7 **Memorandum**

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9 The Movant seeks information concerning legal services performed by Goold
10 Patterson on behalf of USACM, the other debtors in the above-captioned cases (together
11 with USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or
12 otherwise related entities. The Movant seeks this information to assist in the collection of
13 the assets and the investigation of the liabilities of the Debtors.

14 The requested discovery from Goold Patterson is well within the scope of
15 examination permitted under Bankruptcy Rule 2004, which includes:

16 [t]he acts, conduct, or property or . . . the liabilities and financial condition
17 of the debtor, or . . . any matter which may affect the administration of the
18 debtor’s estate, or to the debtor’s right to a discharge. In a . . .
19 reorganization case under chapter 11 of the Code, . . . the examination may
20 also relate to the operation of any business and the desirability of its
continuation, the source of any money or property acquired or to be acquired
by the debtor for purposes of consummating a plan and the consideration
given or offered therefore, and any other matter relevant to the case or to the
formulation of a plan.¹

21 **Conclusion**

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23 Accordingly, the Movant requests that this Court enter the form of order submitted
24 with this Motion.

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¹ FED.R. BANKR. P. 2004(b).

LEWIS
AND
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LAWYERS

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Dated: March 13, 2007.

LEWIS AND ROCA LLP

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